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FILED
2007 AUG 30 PM 2:56
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COMMERCE and INDUSTRY INSURANCE,

CASE NUMBER C07 3705 WDB

Plaintiff(s),

v.

VELAN VALVE CORPORATION

Defendant(s).

NOTICE OF DISMISSAL PURSUANT
RULE 41(a) or (c) F.R.Civ.P.

PLEASE TAKE NOTICE: (Check one)

- ☒ This action is dismissed by the Plaintiff(s) in its entirety.
- ☐ The Counterclaim brought by Claimant(s) _____ is dismissed by Claimant(s) in its entirety.
- ☐ The Cross-Claim brought by Claimants(s) _____ is dismissed by the Claimant(s) in its entirety.
- ☐ The Third-party Claim brought by Claimant(s) _____ is dismissed by the Claimant(s) in its entirety.
- ☐ ONLY Defendant(s) _____

is/are dismissed from (check one) ☐ Complaint, ☒ Counterclaim, ☐ Cross-claim, ☐ Third-Party Claim brought by _____

The dismissal is made pursuant to Rule 41(a) or (c) of the Federal Rules of Civil Procedure.

August 27, 2007

Date

Signature of Attorney/Party

LEONARD D. LERNER

NOTE: F.R.Civ.P. 41(a): This notice may be filed at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs.

F.R.Civ.P. 41(c): Counterclaims, cross-claims & third-party claims may be dismissed before service of a responsive pleading or prior to the beginning of trial.

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 21550 Oxnard Street, Suite 1060, Woodland Hills, California 91367. On August ^{28th} 27, 2007, I served the foregoing document described as:

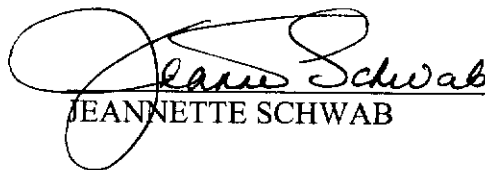
NOTICE OF DISMISSAL PURSUANT TO RULE 41(a) or (c) F.R.Civ.P.

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Woodland Hills, California, addressed as follows:

Ruben A. Castellon, Esq.
Stanzler, Funderburk & Castellon, LLP
180 Montgomery Street, Ste. 1700
San Francisco, California 94104

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

^{28th}
Executed on August 27, 2007, at Woodland Hills, California.


JEANNETTE SCHWAB